



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Community Improvement Program
Zoning Board of Adjustment

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MANCHESTER ZONING BOARD OF ADJUSTMENT PUBLIC HEARING / LIMITED BUSINESS MEETING Thursday, April 14, 2022 – 6:00 PM City Hall, Third Floor – Aldermanic Chambers

I. The Chairman calls the meeting to order and introduces the Zoning Board Members and City Staff.

II. PUBLIC HEARING:

(Postponed from 3/10/2022 ZBA Meeting)

1. **ZBA2022-022**
255 Orange Street, R-2 Zoning District, Ward 2

Claire Provencher proposes to maintain the keeping of four domesticated chickens on a 10,430 square foot lot where at least a half-acre or 21,780 SF is required and maintain a hen house with a fenced in coop area 4' from the property line where 20' is required and seeks a variance from sections **8.30(a)** The Keeping of Domesticated Chickens and **8.30(d)** Hen Houses and Fenced Areas Required, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through February 22, 2022.

(Tabled from 3/10/2022 ZBA Meeting)

2. **ZBA2022-019**
167 Pine Street, R-3 Zoning District, Ward 3

Isaiah Able (Agent) proposes to establish a tattoo parlor within 500 feet from the exterior wall of a residential structure existing in a residential zoning district and seeks a variance from sections **5.10(H-6)12** Tattoo Parlor and **8.06(A)2** Tattoo Parlor Within 500 Feet From Exterior Wall of a Residential Structure Existing in a Residential Zone, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through February 22, 2022.

3. **ZBA2022-023**
253 Lake Avenue, R-3 Zoning District, Ward 5

Raphael Lora proposes to erect a 12' x 2' wall sign and a 20' x 4' wall sign resulting in three signs where one sign is allowed and seeks a variance from section **9.08** Signs In Residential Districts (2 counts), of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through February 22, 2022.

(Current Cases)

4. **ZBA2022-028**
21 and 31 Central Street, CBD Zoning District, Ward 3

Nazar Vincent (Agent) proposes to construct a 72 unit, eight story multi-family building with commercial space on the first floor, on a lot with 10,014 SF where 40,000 SF is required and with a floor area ratio of 7.15 where 5.0 is allowed and seeks a variance from sections **8.04** Minimum Buildable Lot Area and **6.06** Floor Area Ratio, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through February 23, 2022, 2022.

5. **ZBA2022-027**
409 Elm Street, CBD Zoning District, Ward 3

Attorney Daniel Muller (Agent) proposes to erect a projecting sign facing Elm Street 9' in height where 8' is allowed, a proposed roof sign facing Elm Street 174 SF in size where 100 SF is allowed, and install a total of four signs on the Elm Street façade where three signs are allowed and seeks a variance from sections **9.09(A)2** Signs (6 counts), **9.09(C)4** Signs and **9.07(F) Signs**, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through February 24, 2022.

6. **ZBA2022-025**
54 Windswept Road, R-1A Zoning District, Ward 6

Steven and Theresa Kavalek propose to convert 484 SF of an attached garage to an owner occupied beauty salon with no employees and create two parking spaces for beauty salon clients and seek a variance from sections **8.25(B)** Home Occupation Beauty Shop and **10.02(F)** Business Parking in Residential District, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 7, 2022.

7. **ZBA2022-009**
729 Pine Street, R-2 Zoning District, Ward 3

Brendan and Madelaine Gilmartin propose to convert a single-family home to a rooming house with five guest rooms on a lot with 4,410 SF where 10,000 SF is required, with lot frontage and width of 51' where 100' is required, side setbacks of 6' and 8.5' where 20' is required and floor area ratio of 0.77 where 0.5 is the maximum allowed and create three undersized parking spaces 0' from the lot lines with one space within 4' of a building and seek a variance from sections **5.10(A)9** Boarding or Rooming House, **6.01** Minimum

Buildable Lot Area, **6.02** Minimum Lot Frontage and Lot Width (2 counts), **6.03(C)** Side Yard Setback (2 counts), **6.06** Floor Area Ratio, **10.09(B)** Parking Setbacks (5 counts) and **10.07(B)** Parking Layout (3 counts), of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 8, 2022.

8. **ZBA2022-034**
239 Aaron Drive, R-1B Zoning District, Ward 6

Dennis Antle, Jr., (Agent) proposes to construct a 14' x 16' two-story addition with a rear yard setback of 18' where 30' is required and seeks a variance from section **6.03(B)** Rear Yard Setback, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 8, 2022.

9. **ZBA2022-032**
Merrimack Street, Tax Map 73, Lots 30A and 31 CBD Zoning District, Ward 3

Scott Shaw, (Agent) proposes to construct a multi-family dwelling with 50 dwelling units on a lot with 17,670 SF of buildable land area where 26,500 SF is required and seeks a variance from section **8.04** Minimum Buildable Lot Area, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 1, 2022.

10. **ZBA2022-031**
351 Chestnut Street, CBD Zoning District, Ward 3

Scott Shaw, (Agent) proposes to construct a multi-family dwelling with 110 dwelling units on a lot with 27,091 SF of buildable land area where 56,500 SF is required and with the southwest corner of the building within the required visual clearance area for corner lots and seeks a variance from sections **8.04** Minimum Buildable Lot Area and **8.27(E)** Visibility at Corners, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 25, 2022.

11. **ZBA2022-036**
77 Malvern Street, R-2 Zoning District, Ward 4

Antonio Silva, (Agent) proposes to maintain the front landing and stairs that were expanded beyond the prior non-conforming layout with a 0' front yard setback and seeks a variance from section **6.03** Front Yard Setback, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 14, 2022.

12. **ZBA2022-033**
792 Hall Street and 798-800 Hall Street, R-2 Zoning District, Ward 2

James Smith (Agent) proposes to subdivide a lot with two structures, where proposed Lot 16 will remain improved with a three-family dwelling with lot area of 2,860 SF where 6,500 SF is required, with 39.29' of lot frontage and width where 75' is required, with a side yard setback of 1.8' where 10' is required, with lot coverage of 75.6% where 75% is allowed and with a floor area ratio 1.5 where 0.5 is allowed, and where proposed Lot 16A will remain improved with a one-family dwelling with lot area of 2,846 SF 6,500 SF is required, with lot

frontage and width of 40.71' where 75' is required, with a side yard setback of 2.9' where 10' is required, with a rear yard setback of 12.5' where 20' is required, with lot coverage of 70% where 60% is allowed, and with a floor area ratio of 0.56 where 0.5 is allowed and seeks a variance from sections **6.01** Minimum Buildable Lot Area, **6.02** Minimum Lot Frontage and Width (2 counts), **6.03(C)** Side Yard Setback, **6.04** Lot Coverage and **6.06** Floor Area Ratio at proposed Lot 16 and **6.01** Minimum Buildable Lot Area, **6.02** Minimum Lot Frontage and Width (2 counts), **6.03(C)** Side Yard Setback, **6.03(B)** Rear Yard Setback, **6.04** Lot Coverage and **6.06** Floor Area Ratio at proposed Lot 16A, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 18, 2022.

13. **ZBA2022-038**
39 Tougas Avenue, R-1B Zoning District, Ward 8

Andrew Sullivan, Esq., (Agent) proposes to subdivide property located at 39 Tougas Avenue to create one new buildable lot, where the parent parcel Tax Map 819, Lot 15 will remain improved with a single family dwelling with a side yard setback of 4.3' where 10' is required and proposed new lot Tax Map 819, Lot 14 will have lot frontage and width of 46.08' where 75' is required and seeks a variance from sections **6.03** Side Yard Setback at Tax Map 819, Lot 15 and **6.02** Minimum Lot Frontage and Width (2 counts) at Tax Map 819, Lot 14, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 18, 2022.

14. **ZBA2022-037**
149 Exchange Avenue, R-1A Zoning District, Ward 1

David Marchand proposes to maintain a shed within 4' of the side lot line in the rear yard, store a 8' x 30' camper trailer within the 20' side yard setback, create one parking space partially located within the front yard and within 4' of the side lot line and another parking space within 4' of a building and seeks a variance from sections **8.29(A)3** Accessory Structures and Uses, **10.09(B)** Parking Setbacks (3 counts) and **8.29(A)2** Accessory Structures and Uses, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 22, 2022.

15. **ZBA2022-043**
55 Bridge Street, CBD Zoning District, Ward 3

Ted Jarvis, (Agent) proposes to change one 5' H x 14' W static wall sign granted by variance for a business without sign frontage to a 5' H x 14' W electronic message center sign and seeks a variance from section **9.09(A)2** Signs, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 23, 2022.

16. **ZBA2022-044**
13 Laval Street, R-2 Zoning District, Ward 11

Emily Saa, (Agent) proposes to convert a barber shop occupying 862 SF, granted by variance case 104-20-1998, to a coffee shop with up to 15 seats and seeks a variance from section **5.10(G)4** Restaurant up to 5,000 SF, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 25, 2022.

17. **ZBA2022-046**
83 Lilac Court, R-1B Zoning District, Ward 8

Steven Smith, (Agent) proposes to maintain a 12' x 24' shed in the rear yard with a 2' setback from the rear lot line, where 4' is required and seeks a variance from section **8.29(A)3** Accessory Structures and Uses, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 25, 2022.

18. **ZBA2022-045**
80 Parcels Between Smyth Road and Radburn Street, R-1A Zoning District, Ward 2

John Bisson, (Agent), proposes to amend the variance granted in case ZBA2021-122 on November 10, 2021 which granted a variance to allow 305 multi-family units, where the current request proposes to add two additional model dwelling units resulting in 307 dwelling units, to create 35 parking spaces and one loading in the front yard, to construct a maintenance shed in the front yard, to install a transformer in the front yard, to construct retaining walls greater than 4' in the front yard, to construct a retaining wall greater than 4' within 10' of the property line and to erect three free standing signs on the property where one sign is allowed and seeks a variance from sections **5.10(A)6** Multi-Family Dwellings, **10.09(B)** Parking Setbacks (36 counts), **8.29(A)1** Accessory Structures and Uses (2 counts), **8.27(B)** Fences and Walls Height (3 counts), **8.27(D)** Fences and Walls setback and **9.08(A)2** Signs (2 counts), of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 25, 2022.

19. **ZBA2022-030**
46 Myrtle Street, R-3 Zoning District, Ward 3

Paul Bourbeau, (Agent) proposes to redevelop the property with a three-family dwelling, with one parking space less than 4' from the building, with a parallel parking space where maneuverability out of the parking space cannot be accomplished in the direction of travel and without the required 10' landscape buffer along the lot line with 52 Myrtle Street and seeks a variance from sections **10.09(B)** Parking Setbacks, **10.07(D)** Parking Maneuvering, **10.07(K)4** Parking Screening and **10.07(G)** Landscaping, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 28, 2022.

20. **ZBA2022-047**
21 Batchelder Avenue, R-3 Zoning District, Ward 7

John Nichol, proposes to maintain a deck with a 2' side yard setback where 10' is required and a shed 0' from the principal structure where 4' is required and seeks a variance from sections **6.03** Side Yard Setback and **8.29(A)3** Accessory Structures and Uses, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 28, 2022.

21. **ZBA2022-040**
48 Brook Street, R-3 Zoning District, Ward 3

Samuel Hammerman proposes to convert existing offices and beauty salon uses to nine new dwelling units resulting in a total of ten dwelling units on a lot with 10,543 SF where 15,500 SF is required, construct stairs with a 1' side yard setback where 10' is required and create two parking spaces in the street yard that are also within 4' of the lot line and seeks a variance from sections **8.04** Minimum Buildable Lot Area, **6.03 (C)** Side Yard Setback and **10.09(B)** Parking Setbacks (4 counts), of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 29, 2022.

22. **ZBA2022-041**
349 Orange Street, R-2 Zoning District, Ward 2

James Smith, (Agent) proposes to construct a 7' x 25.3' one story addition with a 9.7' side yard setback and a rear dormer with a 5.6' setback where 10' is required in both instances and seeks a variance from section **6.03** Side Yard Setback, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 29, 2022.

23. **ZBA2022-048**
10 Cody Street, R-1B Zoning District, Ward 6

Brian Huckins, proposes to maintain a 12' x 16' shed 8' from the side lot line where 10' is required and seeks a variance from section **8.29(A)2** Accessory Structures and Uses, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 30, 2022.

24. **ZBA2022-039**
Candia Road, Map 471, Lot 8, R-1B Zoning District, Ward 6

John Tirrell, (Agent) proposes to construct a 24' x 40' public utility building with an 18' front yard setback and side yard setbacks of 1.4' and 7.9' where 20' is required in all instances, on a lot 3,988 SF in size where 15,000 SF is required, with lot frontage and width of 79.79' where 150' is required, with an 8' x 8' electrical building and generator in the front yard, and with a 6' high fence in the street and front yards and seeks a special exception from section **5.10(E)12** Essential Public Services, Utilities and Appurtenances and seeks a variance from sections **6.01** Minimum Buildable Lot Area, **6.02** Minimum Lot Frontage and Width (2 counts), **6.03(A)** Front Yard Setback, **6.03(C)** Side Yard Setback (2 counts), **8.27(B)** Fences Walls and **8.29(A)1** Accessory Structures and Uses (2 counts), of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through April 1, 2022.

25. **ZBA2022-049**
33 Fairbanks Street, R-1B Zoning District, Ward 10

Jean Faiella, proposes to maintain a 22' x 22' carport with a 4' side yard setback where 10' is required with more than one parking space in the front yard setback and parking spaces within 4' of the building and 4' from the lot line and seeks a variance from sections **6.03(C)** Side Yard Setback, **10.09(B)** Parking Setbacks (2 counts) and **10.09(B)2** Parking Setbacks of

the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through April 1, 2022.

26. **ZBA2022-042**
90 Union Street, R-3 Zoning District, Ward 9

Joseph Wichert, (Agent), proposes to redevelop the property which is currently improved with 17' x 25' one story take-out restaurant, with a proposed 36' x 26' two story building with a take-out restaurant on the first floor and a dwelling unit on the second floor on a lot with 3,908 SF where 10,000 is required, with lot frontage and width of 50' where 100' is required, with a front setback of 7', street yard setback of 7.5' where 10' each is required, with three parking spaces in the street yard setback where one is allowed, where the parking spaces are required to back out onto the public way, and where the exhaust system for the commercial food preparation or processing is within the 50' limited activity buffer and seeks a variance from sections **5.10(A)8** Dwellings in Upper stories of Building with Commercial First Floor, **6.01** Minimum Buildable Lot Area, **6.02** Minimum Lot Frontage and Width (2 counts), **6.03(A)** Front Yard Setback, **6.03(A)** Street Yard Setback, **10.09(B)** Parking Setbacks, **10.07(D)** Parking Maneuvering, **10.08(C)** Driveways Width and **6.08(B)** Screening Buffers of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through April 4, 2022.

III. BUSINESS MEETING:

1. **ADMINISTRATIVE MATTERS:**

1. **Review and approval of the ZBA Minutes of February 10, 2022 and March 10, 2022**
2. **Any other business items from the ZBA staff or Board Members.**

<p>Full text of the agenda items is on file for review in the Planning & Community Development Department. The order of the agenda is subject to change on the call of the Chairman.</p>
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